



Sen. Toi W. Hutchinson

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09800SB1190sam002

LRB098 06898 JLS 44665 a

1 AMENDMENT TO SENATE BILL 1190

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1190 by replacing  
3 everything after the enacting clause with the following:

4 "Section 1. Short title. This Act may be cited as the  
5 Illinois Family Care Provider Act.

6 Section 5. Findings and purpose.

7 (a) Findings. The General Assembly finds that:

8 (1) the number of households in Illinois in which  
9 working grandparents have primary responsibility for the  
10 care of grandchildren is significant; currently, almost  
11 100,000 grandparents are responsible for the care of  
12 grandchildren living with them, and of these, 68% are under  
13 the age of 60;

14 (2) in Illinois, over 230,000 children under the age of  
15 18 live in homes with grandparents as the householders;

16 (3) the number of households in which grandchildren

1 have primary responsibility for the care of grandparents  
2 and other family members is significant; in fact,  
3 grandchildren comprise 8% of informal caregivers  
4 nationally;

5 (4) it is important for the family unit that  
6 grandparents and grandchildren be able to participate in  
7 the care of family members who have serious health  
8 conditions; and

9 (5) the lack of employment policies to accommodate  
10 working caregivers, including employees caring for  
11 grandchildren or grandparents, can force individuals to  
12 choose between job security and caregiving  
13 responsibilities.

14 (b) Purpose. It is the purpose of this Act that all  
15 employers required to comply with the Family and Medical Leave  
16 Act of 1993, 29 U.S.C. 2601, et seq., shall include  
17 grandparents and grandchildren as "eligible employees" for  
18 leave for the birth or adoption of a grandchild in order for a  
19 grandparent to care for such grandchild; because of the  
20 placement of a grandchild with the grandparent for adoption or  
21 foster care; and in order for the grandparent to care for the  
22 grandchild if such grandchild has a serious health condition or  
23 the grandchild to care for the grandparent if such grandparent  
24 has a serious health condition.

25 Section 10. Definitions. In this Act:

1 "Eligible employee" has the meaning ascribed to that term  
2 in the Family and Medical Leave Act of 1993, 29 U.S.C. 2601 et  
3 seq.

4 "Employer" has the meaning ascribed to that term in the  
5 Family and Medical Leave Act of 1993, 29 U.S.C. 2601 et seq.

6 "Grandparent" means a biological, adopted, or step  
7 grandparent of an employee.

8 "Grandchild" means a biological, adopted, or step  
9 grandchild of an employee.

10 "Serious health condition" has the meaning ascribed to that  
11 term in the Family and Medical Leave Act of 1993, 29 U.S.C.  
12 2601 et seq.

13 Section 15. Family leave requirement.

14 (a) Subject to the conditions set forth in this Section, an  
15 employee is entitled to receive and an employer shall provide  
16 up to 12 weeks of unpaid family medical leave to an employee  
17 during any 12-month period for one or more of the following:  
18 the birth or adoption of a grandchild in order for the employee  
19 to care for such grandchild; the placement of a grandchild with  
20 the employee for adoption or foster care; or the employee to  
21 care for a grandchild if such grandchild has a serious health  
22 condition or the employee to care for a grandparent if the  
23 grandparent has a serious health condition.

24 (b) An employee is not entitled to receive and an employer  
25 is not required to provide more than 12 weeks of unpaid family

1 medical leave in any 12-month period under this Act. For  
2 purposes of this Act, unpaid family medical leave granted  
3 pursuant to any other law shall be deemed to be unpaid family  
4 medical leave granted under this Act.

5 Section 20. Notification. An employee must comply with the  
6 employer's usual and customary procedural requirements for  
7 giving notice of a request for leave, provided that those  
8 notice requirements are consistent with the Family and Medical  
9 Leave Act of 1993, 29 U.S.C. 2601 et seq.

10 Section 25. Certification. An employer may require that an  
11 employee's leave to care for a grandchild or grandparent, with  
12 a serious health condition, be supported by a certification  
13 issued by the health care provider of the employee's grandchild  
14 or grandparent. Certification under this Section shall comply  
15 with the certification content and requirements provided in 29  
16 C.F.R. 825.305 et seq.

17 Section 30. Enforcement. A civil action may be brought in  
18 the circuit court having jurisdiction by an employee to enforce  
19 this Act. The circuit court may enjoin any act or practice that  
20 violates or may violate this Act and may order any other  
21 equitable relief that is necessary and appropriate to redress  
22 the violation or to enforce this Act.

1           Section 35. Refusal to pay damages. Any employer who has  
2           been ordered by the court to pay damages under this Act is  
3           liable for:

4           (1) damages equal to the amount of wages, salary,  
5           employment benefits, public assistance, or other compensation  
6           denied or lost to such individual by reason of the violation  
7           and the interest on that amount calculated at the prevailing  
8           rate;

9           (2) such equitable relief as may be appropriate, including  
10          employment reinstatement and promotion; and

11          (3) reasonable attorney's fees, reasonable expert witness  
12          fees, and other costs of the action to be paid by the  
13          respondent to the prevailing employee.

14          Section 40. Interpretation. Except as otherwise provided  
15          in this Act, all general requirements for leave, employment,  
16          benefits, and other provisions shall be interpreted in a manner  
17          consistent with the Family and Medical Leave Act of 1993, 29  
18          U.S.C. 2601 et seq.

19          Section 99. Effective date. This Act takes effect upon  
20          becoming law."